

Serial No.: 10/761,714
Amdt. Dated January 28 2005
Reply to Office Action of October 28, 2004.

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REMARKS

In the Office Action of October 28, 2004, claims 1-53 were rejected. In response, the Applicants request that claims 51 and 53 be canceled without prejudice. Originally filed claims 1-50 and 52 remain pending in the Application.

35 U.S.C. § 102(e) Rejections

The Examiner has rejected claims 1-53 under 35 U.S.C. 102(c) as being anticipated by US20040166323 (hereinafter the '323 reference). The rejection of claims 1-50 and 52 is respectfully traversed.

The '323 reference discloses "a multilayer article comprising (i) a coating layer comprising a block copolyestercarbonate comprising structural units derived from at least one 1,3-dihydroxybenzene and at least one aromatic dicarboxylic acid, (ii) a second layer comprising a polymer comprising carbonate structural units, (iii) an adhesive tielayer comprising a copolymer with structural units derived from at least one alkenyl aromatic compound and at least one conjugated diene, and (iv) a substrate layer, wherein the coating layer is in contiguous contact with the second layer, and the adhesive tielayer is in contiguous contact with the second layer and the substrate layer." (claim 1).

The instant invention discloses "a multilayer article assembly comprising (i) a coating layer comprising a block copolyestercarbonate comprising structural units derived from at least one 1,3-dihydroxybenzene and at least one aromatic dicarboxylic acid, (ii) a second layer comprising a polymer comprising carbonate structural units, (iii) an adhesive layer comprising a polyurethane, and (iv) an uncured thermoset or uncured cyclic oligomer substrate layer, wherein the coating layer is in contiguous contact with the second layer, and the adhesive layer is in contiguous contact with the second layer and the substrate layer." The '323 reference does not teach or suggest the use of an adhesive layer comprising a polyurethane. Instead, it teaches the use of an adhesive tielayer comprising a copolymer with structural units derived from at least one alkenyl aromatic compound and at least one conjugated diene.

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Furthermore, the '323 reference states that "The substrate layer in the multilayer articles of this invention may also comprise at least one of any cured, uncured or at least partially cured thermoset resin and the use of the term "thermoset resin" in the present context refers to any of these options. Suitable thermoset resin substrates include, but are not limited to, those derived from epoxys, cyanate esters, unsaturated polyesters, diallylphthalate, acrylics, alkyds, phenol-formaldehyde, novolacs, resoles, bismaleimides, PMR resins, melamine-formaldehyde, urea-formaldehyde, benzocyclobutanes, hydroxymethylfurans, and isocyanates. In one embodiment of the invention the thermoset resin substrate comprises a RIM material. In another embodiment of the invention the thermoset resin substrate further comprises at least one thermoplastic polymer, such as, but not limited to, polyphenylene ether, polyphenylene sulfide, polysulfone, polyetherimide, or polyester. Said thermoplastic polymer is typically combined with thermoset monomer mixture before curing of said thermoset. In a particular embodiment a substrate of the invention comprises an acrylic ester-derived thermoset resin containing a polyphenylene ether. (paragraph 0048). Moreover, the '323 reference also states "In one particular embodiment a multilayer article comprising (i) a coating layer comprising a block copolyestercarbonate comprising structural units derived from at least one 1,3- dihydroxybenzene and at least one aromatic dicarboxylic acid, (ii) a second layer comprising a polymer comprising carbonate structural units, (iii) an adhesive tielayer comprising a copolymer with structural units derived from at least one alkenyl aromatic compound and at least one conjugated diene, and (iv) a substrate layer comprising an uncured thermoset resin, wherein the coating layer is in contiguous contact with the second layer, and the adhesive layer is in contiguous contact with the second layer and the substrate layer; may be prepared by a method comprising the steps of (a) assembling the coating layer, second layer, adhesive layer, and substrate by any known method, and (b) subjecting the assembly to conditions under which the thermoset is cured by any known method. In some embodiments conditions under which the thermoset may be cured include subjecting the assembly to heat. In other embodiments the multilayer article exhibits a ninety-degree peel force of at least 700 Newtons per meter after the thermoset resin substrate is cured." (paragraph 0058).

There is no teaching or suggestion in the '323 reference for the use of an adhesive layer comprising polyurethane. Thus, the '323 reference does not teach or suggest each and every

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limitation of the claimed invention which requires that the adhesive layer comprise a polyurethane in combination with "an uncured thermoset or uncured cyclic oligomer substrate layer".

The Examiner has similarly rejected claims 1-53 under 35 U.S.C 102(e) as anticipated by the reference US20030175488 (hereinafter the '488 reference). The rejection of claims 1-50 and 52 is respectfully traversed.

The '488 reference teaches "a process for forming a shaped article by forming a layer of a first thermoplastic resin adjacent second resin to form a composite, said first layer comprising an arylate polyester polymer and said second resin comprises a thermoformable resin, and thermoforming said composite into shaped article." (Claim 1). The '488 reference does not disclose "A multilayer article assembly comprising (i) a coating layer comprising a block copolyestercarbonate comprising structural units derived from at least one 1,3-dihydroxybenzene and at least one aromatic dicarboxylic acid, (ii) a second layer comprising a polymer comprising carbonate structural units, (iii) an adhesive layer comprising a polyurethane, and (iv) an uncured thermoset or uncured cyclic oligomer substrate layer, wherein the coating layer is in contiguous contact with the second layer, and the adhesive layer is in contiguous contact with the second layer and the substrate layer." The instant invention discloses distinctly at least 4 different layers comprising variable compositions in each layer. The '488 reference does not disclose the use of an uncured thermoset or uncured cyclic oligomer substrate layer. Thus, the '488 reference does not teach or suggest each and every limitation of the claimed invention.

Because neither the '323 reference nor the '488 reference discloses or suggests each and every limitation of the claimed invention, the Applicants urge that the rejections under 35 U.S.C. 102(e) of claims 1-50 and 52 as being anticipated by the either '323 reference or the '488 reference be withdrawn.

35 U.S.C. § 102(e) and 35 U.S.C. § 112, Second Paragraph Rejections

The Examiner has rejected claims 51 and 53 under 35 U.S.C. 102(e) as being anticipated by the '488 reference and under 35 U.S.C. 112, second paragraph as being indefinite for failing

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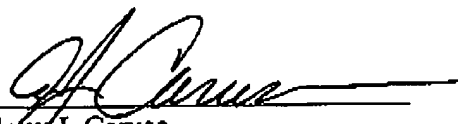
to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 51 and 53 have been canceled thereby rendering these rejections moot.

Judicially Created Doctrine of Obviousness-type Double Patenting Rejection

Claims 1-50 and 52 have been rejected under the judicially created doctrine of obviousness-type double-patenting as being unpatentable over claims 29, 31, 56, 79, 81 of copending application no. 10/737,944. Copending application no. 10/737,944 discloses neither the multilayer article of the present invention nor a method for making such a multilayer article wherein said multilayer article comprises an adhesive tielayer comprising polyurethane in combination with an uncured thermoset or uncured cyclic oligomer substrate layer. Instead, the claims of copending application no. 10/737,944 recite a multilayer article comprising "an adhesive tielayer comprising a copolymer with structural units derived from at least one alkenyl aromatic compound and at least one conjugated diene". Thus, the claims of instant application are patentably distinct from those of copending application no. 10/737,944 and the Applicants urge that the obviousness-type double patenting rejection of claims 1-50 and 52 be withdrawn.

In view of the foregoing remarks, the Applicants believe that each of claims 1-50 and 52 is now in condition for allowance. The Applicants thus courteously solicit a prompt allowance of these claims. Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact the Applicants' undersigned representative at the telephone number below.

Respectfully submitted,


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